

House Bill 598 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Lumpkin; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and certain duties, powers, and other matters
8 relative thereto; to provide for administrative affairs and responsibilities; to provide for
9 boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other
10 personnel and matters relating thereto; to provide for rules and regulations; to provide for a
11 municipal court and the judge or judges thereof and other matters relative to those judges;
12 to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the
13 right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to
14 provide for franchises, service charges, and assessments; to provide for bonded and other
15 indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide
16 for city contracts and purchasing; to provide for the conveyance of property and interests
17 therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending
18 matters, and existing personnel; to provide for penalties; to provide for definitions and
19 construction; to provide for other matters relative to the foregoing; to repeal a specific Act;
20 to provide for an effective date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

This city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style Lumpkin, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of city clerk and to be designated, as the case may be: "Official Map of the corporate limits of the City of Lumpkin, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

SECTION 1.13.

Examples of Powers.

The powers of the city shall include, but shall not be limited to:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(4) Business regulation and taxation. To levy and to provide for collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business in the city benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(13) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials; to provide that persons may be sentenced to pretrial diversion programs and any sentencing alternative allowed by law;

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same;

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(23) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(24) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(25) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, public grounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(27) Public peace. To provide for the prevention and punishment of drunkenness, loitering, disorderly conduct, riots, and public disturbances or other violations of public peace;

(28) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(30) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(31) Retirement. To provide and maintain a retirement plan for officers and employees of the city and other employee benefit plans and programs;

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of any intoxicating liquors, and the use of

firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, massage parlors, and other places of adult entertainment;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban redevelopment. To organize and operate an urban redevelopment program; and

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes

228 no provision, such shall be carried into execution as provided by ordinance or as provided
229 by pertinent laws of the State of Georgia.

230 **ARTICLE II**

231 **GOVERNMENT STRUCTURE**

232 **SECTION 2.10.**

233 City council creation; number; election.

234 The legislative authority of the government of this city, except as otherwise specifically
235 provided in this charter, shall be vested in a city council to be composed of a mayor and six
236 councilmembers. The city council established in this charter shall in all respects be a
237 successor to and continuation of the city governing authority under prior law. The mayor and
238 councilmembers shall be elected in the manner provided by this charter. The
239 councilmembers shall be elected at large by the qualified voters of the city in accordance
240 with the provisions of Article V of this charter. The mayor shall be elected as provided in
241 Section 2.27 of this charter.

242 **SECTION 2.11.**

243 City council terms
244 and qualifications for office.

245 The members of the city council shall serve for terms of four years and until their respective
246 successors are elected and qualified. No person shall be eligible to serve as councilmember
247 unless that person is at least 21 years of age, has obtained a high school diploma or GED, has
248 no prior felony convictions at the time of qualification, has been a resident of the city for 12
249 months prior to the date of election of members of the council, and owes the city no taxes or
250 fees. Each councilmember shall continue to reside in the city during that councilmember's
251 period of service and shall be registered and qualified to vote in municipal elections of this
252 city.

253 **SECTION 2.12.**

254 Vacancy; filling of vacancies.

255 (a) Vacancies – The office of mayor or councilmember shall become vacant upon such
256 person's failing or ceasing to reside in the city or upon the occurrence of any event specified
257 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may
258 hereafter be enacted.

(b) Filling of vacancies – A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

SECTION 2.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Officers as trustees – Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest – No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the

governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) Disclosure – Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property – No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts voidable and rescindable – Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) Ineligibility of elected official – Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until one year after the expiration of the term for which that person was elected.

(g) Political activities of certain officers and employees – No appointed officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

329 (h) Penalties for violation.

330 (1) Any city officer or employee who knowingly conceals such financial interest or
331 knowingly violates any of the requirements of this section shall be guilty of malfeasance
332 in office or position and shall be deemed to have forfeited that person's office or position.

333 (2) Any officer or employee of the city who shall forfeit that person's office or position
334 as described in paragraph (1) of this subsection shall be ineligible for appointment or
335 election to or employment in a position in the city government for a period of three years
336 thereafter.

337 **SECTION 2.15.**

338 Inquiries and investigations.

339 Following the adoption of an authorizing resolution, the city council may make inquiries and
340 investigations into the affairs of the city and conduct of any department, office, or agency
341 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
342 require the production of evidence. Any person who fails or refuses to obey a lawful order
343 issued in the exercise of these powers by the city council shall be punished as may be
344 provided by ordinance.

345 **SECTION 2.16.**

346 General power and authority of the city council.

347 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
348 all the powers of government of this city.

349 (b) In addition to all other powers conferred upon it by law, the city council shall have the
350 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
351 regulations, not inconsistent with this charter and the Constitution and the laws of the State
352 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
353 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
354 or well-being of the inhabitants of the City of Lumpkin and may enforce such ordinances by
355 imposing penalties for violation thereof.

356 **SECTION 2.17.**

357 Eminent domain.

358 The city council is hereby empowered to acquire, construct, operate, and maintain public
359 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,

sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Newly elected mayor and councilmembers;
oath of office.

At a regularly scheduled meeting, the newly elected mayor and councilmembers shall be presented to the city council to have the oath of office administered. The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly elected mayor and councilmembers by a judicial officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully perform the duties of (mayor)(councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident [of my district and] the City of Lumpkin for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Lumpkin to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to

393 councilmembers shall not be required if the mayor and all councilmembers are present when
394 the special meeting is called. Such notice of any special meeting may be waived by a
395 councilmember in writing before or after such a meeting, and attendance at the meeting shall
396 also constitute a waiver of notice on any business transacted in such councilmember's
397 presence. Only the business stated in the call may be transacted at the special meeting.

398 (c) All meetings of the city council shall be public to the extent required by law, and notice
399 to the public of special meetings shall be made as fully as is reasonably possible as provided
400 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may
401 hereafter be enacted.

402 **SECTION 2.20.**

403 Rules of procedure.

404 (a) The city council shall adopt its rules of procedure and order of business consistent with
405 the provisions of this charter and shall provide for keeping of a journal of its proceedings,
406 which shall be a public record.

407 (b) All committees and committee chairpersons and officers of the city council shall be
408 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
409 the power to appoint new members to any committee at any time.

410 **SECTION 2.21.**

411 Quorum; voting.

412 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
413 business of the city council. Voting on the adoption of ordinances shall be by voice vote, and
414 the vote shall be recorded in the journal, but any member of the city council shall have the
415 right to request a roll-call vote, and such vote shall be recorded in the journal. Except as
416 otherwise provided in this charter, the affirmative vote of four councilmembers shall be
417 required for the adoption of any ordinance, resolution, or motion.

418 (b) No member of the city council shall abstain from voting on any matter properly brought
419 before the city council for official action except when such councilmember has a conflict of
420 interest which is disclosed in writing prior to or at the meeting and made a part of the
421 minutes. Any member of the city council present and eligible to vote on a matter and refusing
422 to do so for any reason other than a properly disclosed and recorded conflict of interest shall
423 be deemed to have acquiesced or concurred with the members of the majority who did vote
424 on the question involved.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Lumpkin" and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor and councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least four councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent

reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection by the public.

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

(a) The city clerk shall authenticate by the city clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Lumpkin, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall be at least 21 years of age, have obtained a high school diploma or GED, have no prior felony convictions at the time of qualification, shall have been a resident of the city for 12 months prior to the date of election, owe the city no taxes or fees, and be qualified to vote in municipal elections of this city. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.28.

Chief executive officer.

The mayor shall be the chief executive of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter.

SECTION 2.29.

Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove all officers, department heads, and employees of the city, except as otherwise provided in this charter;

- (3) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (4) Prepare and submit to the councilmembers a recommended operating budget and capital budget;
- (5) Submit to the councilmembers at least once a year a statement covering the financial conditions of the city and from time to time such other information as the councilmembers may request;
- (6) Recommend to the councilmembers such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
- (7) Call special meetings of the councilmembers as provided for in subsection (b) of Section 2.19 of this charter;
- (8) Approve or disapprove ordinances as provided in Section 2.31 of this charter;
- (9) Provide for an annual audit of all accounts of the city;
- (10) Require any department or agency of the city to submit written reports whenever the mayor deems it expedient; and
- (11) Perform such other duties as may be required by law, this charter, or ordinance.

SECTION 2.30.

Limitation on terms of service.

No mayor elected and qualified for two terms shall be eligible for the succeeding term.

SECTION 2.31.

Submission of ordinances to the mayor; veto power.

- (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk to the mayor.
- (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting. If the city council then or at its next meeting adopts the ordinance by an affirmative vote of five members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) of this section.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

SECTION 3.11.**Boards, commissions, and authorities.**

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the city clerk of the city an oath obligating that person to perform faithfully and impartially the duties of that person's office; such oath shall be prescribed by ordinance and administered by the mayor.

(g) All board members serve at will and may be removed at any time by a vote of four members of the city council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 3.12.

City attorney.

The mayor shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the mayor and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of such person's position as city attorney. The city attorney shall not be a public official of the city and shall not take an oath of office. The city attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the city attorney.

SECTION 3.13.

City clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the city council.

SECTION 3.14.

Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

640 **SECTION 3.15.**

641 Personnel policies.

642 All employees serve at will and may be removed from office at any time unless otherwise
643 provided by ordinance.

644 ARTICLE IV
645 JUDICIAL BRANCH

646 **SECTION 4.10.**

647 Creation; name.

648 There shall be a court to be known as the Municipal Court of the City of Lumpkin and shall
649 enjoy all jurisdiction and powers granted to municipal courts by law.

650 **SECTION 4.11.**

651 Chief judge; associate judge.

652 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
653 or stand-by judges as shall be provided by ordinance.

654 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
655 that person shall have attained the age of 21 years, shall be a member of the State Bar of
656 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
657 by the city council and shall serve until successors are appointed and qualified.

658 (c) Compensation of the judges shall be fixed by ordinance.

659 (d) Judges may be removed from office for cause at any time by the city council. For cause
660 means failure to perform according to the rules and regulations of the Judicial Qualifications
661 Commission of Georgia or being convicted of an offense involving a felony or moral
662 turpitude.

663 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
664 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
665 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
666 minutes of the city council journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance or by order of the court.

SECTION 4.13.

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both for city ordinance violations, may impose the maximum imprisonment and fine as provided by Georgia law for state offenses within the jurisdiction of municipal courts, or may fix the maximum punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by Georgia law for municipal courts.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue search warrants and any other lawful warrant for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Stewart County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

730 **SECTION 5.11.**

731 Election of the city council and mayor.

732 (a) There shall be a municipal general election biennially in odd-numbered years on the
733 Tuesday next following the first Monday in November.

734 (b) There shall be elected the mayor and three councilmembers at one election and at every
735 other election thereafter. The remaining councilmember seats shall be filled at the election
736 alternating with the first election so that a continuing body is created. Terms shall be for four
737 years.

738 **SECTION 5.12.**

739 Nonpartisan elections.

740 Political parties shall not conduct primaries for city offices and all names of candidates for
741 city offices shall be listed without party designations.

742 **SECTION 5.13.**

743 Election by plurality.

744 The person receiving a plurality of the votes cast for any city office shall be elected.

745 **SECTION 5.14.**

746 Special elections; vacancies.

747 In the event that the office of mayor or councilmember shall become vacant as provided in
748 Section 2.12 of this charter, the city council or those remaining shall order a special election
749 to fill the balance of the unexpired term of such official; provided, however, that if such
750 vacancy occurs within 12 months of the expiration of the term of that office, the city council
751 or those members remaining shall appoint a successor for the remainder of the term. In all
752 other respects, the special election shall be held and conducted in accordance with Chapter
753 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

754 **SECTION 5.15.**

755 Other provisions.

756 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
757 such rules and regulations as it deems appropriate to fulfill any options and duties under
758 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

759 **SECTION 5.16.**

760 Removal of officers.

761 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
762 be removed from office for any one or more of the causes provided in Title 45 of the
763 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

764 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
765 by one of the following methods:

766 (1) Following a hearing at which an impartial panel shall render a decision. In the event
767 an elected officer is sought to be removed by the action of the city council, such officer
768 shall be entitled to a written notice specifying the ground or grounds for removal and to
769 a public hearing which shall be held not less than ten days after the service of such
770 written notice. The city council shall provide by ordinance for the manner in which such
771 hearings shall be held. Any elected officer sought to be removed from office as provided
772 in this section shall have the right of appeal from the decision of the city council to the
773 Superior Court of Stewart County. Such appeal shall be governed by the same rules as
774 govern appeals to the superior court from the probate court; or

775 (2) By an order of the Superior Court of Stewart County following a hearing on a
776 complaint seeking such removal brought by any resident of the City of Lumpkin.

777 **ARTICLE VI**

778 **FINANCE**

779 **SECTION 6.10.**

780 Property tax.

781 The city council may assess, levy, and collect an ad valorem tax on all real and personal
782 property within the corporate limits of the city that is subject to such taxation by the state and
783 county. This tax is for the purpose of raising revenues to defray the costs of operating the
784 city government, of providing governmental services, for the repayment of principal and

785 interest on general obligations, and for any other public purpose as determined by the city
786 council in its discretion.

787 **SECTION 6.11.**

788 Millage rate; due dates; payment methods.

789 The city council by ordinance shall establish a millage rate for the city property tax, a due
790 date, and the time period within which these taxes must be paid. The city council by
791 ordinance may provide for the payment of these taxes by installments or in one lump sum,
792 as well as authorize the voluntary payment of taxes prior to the time when due.

793 **SECTION 6.12.**

794 Occupation and business taxes.

795 The city council by ordinance shall have the power to levy such occupation or business taxes
796 as are not denied by law. The city council may classify businesses, occupations, or
797 professions for the purpose of such taxation in any way which may be lawful and may
798 compel the payment of such taxes as provided in Section 6.18 of this charter.

799 **SECTION 6.13.**

800 Regulatory fees; permits.

801 The city council by ordinance shall have the power to require businesses or practitioners
802 doing business in this city to obtain a permit for such activity from the city and pay a
803 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
804 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
805 Section 6.18 of this charter.

806 **SECTION 6.14.**

807 Franchises.

808 (a) The city council shall have the power to grant franchises for the use of this city's streets
809 and alleys for the purposes of railroads, street railways, telephone companies, electric
810 companies, electric membership corporations, cable television and other telecommunications
811 companies, gas companies, transportation companies, and other similar organizations. The
812 city council shall determine the duration, terms, whether the same shall be exclusive or
813 nonexclusive, and the consideration for such franchises; provided, however, that no franchise

814 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
815 the city receives just and adequate compensation therefor. The city council shall provide for
816 the registration of all franchises with the city clerk in a registration book kept by the city
817 clerk. The city council may provide by ordinance for the registration within a reasonable
818 time of all franchises previously granted.

819 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
820 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
821 street railways, telephone companies, electric companies, electric membership corporations,
822 cable television and other telecommunications companies, gas companies, transportation
823 companies, and other similar organizations.

824 **SECTION 6.15.**

825 Service charges.

826 The city council by ordinance shall have the power to assess and collect fees, charges, and
827 tolls for sewers, sanitary and health services, or any other services provided or made
828 available within and outside the corporate limits of the city for the total cost to the city of
829 providing or making available such services. If unpaid, such charges shall be collected as
830 provided in Section 6.18 of this charter.

831 **SECTION 6.16.**

832 Special assessments.

833 The city council by ordinance shall have the power to assess and collect the cost of
834 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
835 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
836 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
837 collected as provided in Section 6.18 of this charter.

838 **SECTION 6.17.**

839 Construction; other taxes and fees.

840 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
841 and the specific mention of any right, power, or authority in this article shall not be construed
842 as limiting in any way the general powers of this city to govern its local affairs.

843 **SECTION 6.18.**

844 Collection of delinquent taxes and fees.

845 The city council by ordinance may provide generally for the collection of delinquent taxes,
846 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
847 whatever reasonable means as are not precluded by law. This shall include providing for the
848 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
849 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
850 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
851 city taxes or fees; and providing for the assignment or transfer of tax executions.

852 **SECTION 6.19.**

853 General obligation bonds.

854 The city council shall have the power to issue bonds for the purpose of raising revenue to
855 carry out any project, program, or venture authorized under this charter or the laws of the
856 state. Such bonding authority shall be exercised in accordance with the laws governing bond
857 issuance by municipalities in effect at the time such issue is undertaken.

858 **SECTION 6.20.**

859 Revenue bonds.

860 Revenue bonds may be issued by the city council as state law now or hereafter provides.
861 Such bonds shall be paid out of any revenue produced by the project, program, or venture for
862 which they were issued.

863 **SECTION 6.21.**

864 Short-term loans.

865 The city may obtain short-term loans and shall repay such loans not later than December 31
866 of each year, unless otherwise provided by law.

867 **SECTION 6.22.**

868 Lease-purchase contracts.

869 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
870 acquisition of goods, materials, real and personal property, services, and supplies, provided

871 the contract terminates without further obligation on the part of the municipality at the close
872 of the calendar year in which it was executed and at the close of each succeeding calendar
873 year for which it may be renewed. Contracts shall be executed in accordance with the
874 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
875 or may hereafter be enacted.

876 **SECTION 6.23.**

877 Fiscal year.

878 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
879 budget year and the year for financial accounting and reporting of each and every office,
880 department, agency, and activity of the city government unless otherwise provided by state
881 or federal law.

882 **SECTION 6.24.**

883 Preparation of budgets.

884 The city council shall provide an ordinance on the procedures and requirements for the
885 preparation and execution of an annual operating budget, a capital improvement plan, and
886 a capital budget, including requirements as to the scope, content, and form of such budgets
887 and plans.

888 **SECTION 6.25.**

889 Submission of operating budget to city council.

890 On or before a date fixed by the city council but not later than 30 days prior to the beginning
891 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
892 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
893 containing a statement of the general fiscal policies of the city, the important features of the
894 budget, explanations of major changes recommended for the next fiscal year, a general
895 summary of the budget, and other pertinent comments and information. The operating
896 budget and the capital budget provided for in Section 6.29 of this charter, the budget
897 message, and all supporting documents shall be filed in the office of the city clerk and shall
898 be open to public inspection.

899

SECTION 6.26.

900

Action by city council on budget.

901 (a) The councilmembers may amend the operating budget proposed by the mayor, except
902 that the budget as finally amended and adopted shall provide for all expenditures required
903 by state law or by other provisions of this charter and for all debt service requirements for
904 the ensuing fiscal year. The total appropriations from any fund shall not exceed the
905 estimated fund balance, reserves, and revenues.

906 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
907 year not later than July 31 of each year. If the city council fails to adopt the budget by said
908 date, the amounts appropriated for operation for the then current fiscal year shall be deemed
909 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
910 accordingly, until such time as the city council adopts a budget for the ensuing fiscal year.
911 Adoption of the budget shall take the form of an appropriations ordinance setting out the
912 estimated revenues in detail by sources and making appropriations according to fund and by
913 organizational unit, purpose, or activity as set out in the budget preparation ordinance
914 adopted pursuant to Section 6.24 of this charter.

915 (c) The amount set out in the adopted operating budget for each organizational unit shall
916 constitute the annual appropriation for such, and no expenditure shall be made or
917 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
918 or allotment thereof to which it is chargeable.

919

SECTION 6.27.

920

Tax levies.

921 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
922 set by such ordinance shall be such that reasonable estimates of revenues from such levy
923 shall at least be sufficient, together with other anticipated revenues, fund balances, and
924 applicable reserves, to equal the total amount appropriated for each of the several funds set
925 forth in the annual operating budget for defraying the expenses of the general government
926 of this city.

927

SECTION 6.28.

928

Changes in appropriations.

929 The city council by ordinance may make changes in the appropriations contained in the
930 current operating budget at any regular meeting or special or emergency meeting called for

931 such purpose, but any additional appropriations may be made only from an existing
932 unexpended surplus.

933 **SECTION 6.29.**

934 Capital budget.

935 (a) On or before the date fixed by the city council, but not later than 30 days prior to the
936 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
937 improvements plan with a recommended capital budget containing the means of financing
938 the improvements proposed for the ensuing fiscal year. The city council shall have power
939 to accept, with or without amendments, or reject the proposed plan and budget. The city
940 council shall not authorize an expenditure for the construction of any building, structure,
941 work, or improvement unless the appropriations for such project are included in the capital
942 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

943 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
944 year not later than July 31 of each year. No appropriation provided for in a prior capital
945 budget shall lapse until the purpose for which the appropriation was made shall have been
946 accomplished or abandoned; provided, however, that the mayor may submit amendments to
947 the capital budget at any time during the fiscal year, accompanied by recommendations. Any
948 such amendments to the capital budget shall become effective only upon adoption by
949 ordinance.

950 **SECTION 6.30.**

951 Independent audit.

952 There shall be an annual independent audit of all city accounts, funds, and financial
953 transactions by a certified public accountant selected by the city council. The audit shall be
954 conducted according to generally accepted auditing principles. Any audit of any funds by
955 the state or federal governments may be accepted as satisfying the requirements of this
956 charter. Copies of annual audit reports shall be available at printing costs to the public.

957 **SECTION 6.31.**

958 Contracting procedures.

959 No contract with the city shall be binding on the city unless:

960 (1) It is in writing;

- (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Sections 2.20 and 2.21 of this charter.

SECTION 6.32.

Centralized purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.33.

Sale and lease of city property.

- (a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

989 ARTICLE VII
990 GENERAL PROVISIONS
991 SECTION 7.10.
992 Prior ordinances.

993 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
994 with this charter are declared valid and of full effect and force until amended or repealed by
995 the city council.

996 SECTION 7.11.
997 Existing personnel and officers.

998 Except as specifically provided otherwise by this charter, all personnel and officers of this
999 city and their rights, privileges, and powers shall continue beyond the time this charter takes
1000 effect for a period of 120 days before or during which time the existing city council shall
1001 pass a transition ordinance detailing the changes in personnel and appointed officers required
1002 or desired and arranging such titles, rights, privileges, and powers as may be required or
1003 desired to allow a reasonable transition.

1004 SECTION 7.12.
1005 Pending matters.

1006 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1007 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1008 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1009 by the city council.

1010 SECTION 7.13.
1011 Construction.

1012 (a) Section captions in this charter are informative only and are not be considered as a part
1013 thereof.

1014 (b) The word "shall" is mandatory and the word "may" is permissive.

1015 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1016 versa.

SECTION 7.14.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

SECTION 7.15.

Repealer.

An Act incorporating the City of Lumpkin in the County of Stewart, approved March 23, 1977 (Ga. L. 1977, p. 3703), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7.16.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.